

This Page Is Inserted by IFW Operations  
and is not a part of the Official Record

## **BEST AVAILABLE IMAGES**

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images may include (but are not limited to):

- BLACK BORDERS
- TEXT CUT OFF AT TOP, BOTTOM OR SIDES
- FADED TEXT
- ILLEGIBLE TEXT
- SKEWED/SLANTED IMAGES
- COLORED PHOTOS
- BLACK OR VERY BLACK AND WHITE DARK PHOTOS
- GRAY SCALE DOCUMENTS

**IMAGES ARE BEST AVAILABLE COPY.**

**As rescanning documents *will not* correct images,  
please do not report the images to the  
Image Problem Mailbox.**

This facsimile message and its contents are legally privileged and confidential information intended solely for the use of the addressee. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, copying or other use of this message and its contents is strictly prohibited. If you have received this telecopy in error, please notify us immediately by telephone and return the original message to us at the address shown below via the Postal Service. Thank You.



## ALSTON & BIRD LLP

101 South Tryon Street, Suite 4000  
Charlotte, NC 28280-4000  
704-444-1000  
Fax: 704-444-1111

### TELECOPY

PLEASE DELIVER AS SOON AS POSSIBLE

DATE: November 18, 2003

TO: Customer Service of the Office of Initial Patent Examination at the USPTO

FROM: Kay Costanza, Administrative Patent Paralegal  
Application No. 10/072,789

This application was filed February 8, 2002, and we have had no office actions. When inquiring about this application, Mr. Tucker of the OIPE said we should fax our response to the Notice to File Missing Parts (which as indicated by the postcard was timely filed).

Attached are: 1) Notice to File Missing Parts; 2) Response; 3) Copy of our postcard; 4) Copy of Substitute Specification (requested in missing parts); 5) Copy of Declaration (requested in Missing Parts)

however; the Declaration was properly filed with the Application, and the following is submitted as proof: 6) Copy of the Transmittal Form indicating the Declaration from the parent application was enclosed; 7) Copy of our postcard indicating the four-page Declaration was enclosed.

Please contact me if further evidence is needed or if we need to do something further to move this application to examination. (704) 444-1171  
Thank you.

NO. OF PAGES:  
(Including cover page)

36

OPERATOR:

IF NOT RECEIVED PROPERLY, PLEASE NOTIFY ME IMMEDIATELY AT

USER CODE: COSTK

FAX NUMBER: (703) 746-4060

CLIENT/MATTER: 038190/244112

REQUESTED BY: Kay 1171

VOICE NUMBER:

Alston & Bird



<b>UTILITY</b> <b>PATENT APPLICATION</b> <b>TRANSMITTAL</b> <small>(Only for new nonprovisional applications under 37 CFR 1.53(b))</small>	Attorney Docket No. 38190.244112 First Inventor or Application Identifier: Forrest et al. Title of Invention: FRICTION STIR GRAIN REFINEMENT OF STRUCTURAL MEMBERS Express Mail Label No. EL 910299218 US
---	--

ADDRESS TO: BOX PATENT APPLICATION  
 COMMISSIONER FOR PATENTS  
 WASHINGTON, DC 20231

Transmitted herewith for filing in the United States Patent Office is a patent application for:

Inventors: R. Scott Forrest and Douglas J. Waldron

Assignee of this invention is The Boeing Company

1. ☒ The Filing Fee has been calculated as shown below:
2. ☐ Applicant claims Small Entity Status. See 37 CFR 1.27.

	No. Filed	No. Extra	Small Entity Rate Fee 0	Large Entity Rate Fee 1
BASIC FEE			\$0	\$740
TOTAL CLAIMS:	31 - 20 =	11	X 9 = \$0	x 18 = \$198
INDEP CLAIMS:	4 - 3 =	1	X 42 = \$0	x 84 = \$84
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIMS PRESENTED			+140 = \$	+280 = \$
*If the difference in Column 1 is less than zero, enter "0" in Column 2.			TOTAL \$	TOTAL \$ 1022

The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Acct. No. 16-0605.

- a. ☒ Fees required under 37 CFR 1.16 (National filing fees).
- b. ☒ Fees required under 37 CFR 1.17 (National application processing fees).
- ☒ A check in the amount of \$ 1,022.00 for the filing fee is enclosed.
- ☐ The above filing fee will be paid along with Applicant(s) Response to the Notice to File Missing Parts.
3. ☒ Specification; Total Pages 26
4. ☒ 12 Sheets of Drawing(s) (3 color photographs of drawing sheet 5) (35 USC 113)
5. ☒ Declaration and Power of Attorney; [Total Pages 4]
  - a. ☐ Newly executed (original or copy)
  - b. ☒ Copy from a prior application (37 CFR 1.63(d))  
 (for continuation/divisional with Box 18 completed)
    - i. ☐ DELETION OF INVENTOR(S) Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) & 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

Commissioner For Patents Date Mailed: 2/08/02  
Washington, DC 20231-6000 Atty. Dkt. No. 38190-244 112

Kindly acknowledge receipt of the accompanying DIVISIONAL PATENT

APPLICATION with Application Transmittal Cover Sheet for:

Inventor(s): Forrest et al.

Title of Invention: FRICTION STIR GRAIN REFINEMENT OF

STRUCTURAL MEMBERS; Pages of Spec. (including claims and abstract) 26;

No. of Claims 31; No. of Drawing Sheets 12 (including 3 color photos of sheet

5); Declaration Enclosed Yes (4 pages); IDS with PTO 1449 Enclosed Yes ;

(No. of 1449 Cites 9); Other Documents: Petition to Accept Color Photograph

As Drawing; Check(s) Enclosed \$1,022.00 filing fee; \$130.00 Petition fee for

color photo; Please place office stamp hereon and Return Postcard to :

HBW/E.Kelly ALSTON & BIRD LLP

jc997 U.S. PTO  
10/0727A6